Application Number	10/767,077	F	Applicant(s)/Patent ( Reexamination TANAKA ET AL.	under				
Document Code - DISQ		Internal Do	cument – DC	cument – DO NOT MAIL				
TERMINAL DISCLAIMER	☑ APPROVED		☐ DISAPP	☐ DISAPPROVED				
Date Filed : November 20, 2007	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson								

U.S. Patent and Trademark Office

PTO/SB/25 (11-07)

Approved for use through 11/30/2007. OMB 0651-0031

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## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 0102/0237

In re Application of: Yoshiaki TANAKA et al.	
Application No.: 10/767,077	
Filed: January 30, 2004	,
For: RECORDING MEDIUM AND SIGNAL PROCESSING APPARATUS	
The owner*, VICTOR COMPANY OF JAPAN, LTD. , of 100 percent interest in the insexcept as provided below, the terminal part of the statutory term of any patent granted on the instant applitude expiration date of the full statutory term of any patent granted on pending reference Application Number on January 30, 2004 , as such term is defined in 35 U.S.C. 154 and 173, and as the term of any application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending hereby agrees that any patent so granted on the instant application shall be enforceable only for and during granted on the reference application are commonly owned. This agreement runs with any patent grante binding upon the grantee, its successors or assigns.	cation which would extend beyond in 10/767,076 filed patent granted on said reference greference application. The owner such period that it and any patent
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any papplication, "as the term of any patent granted on said reference application may be shortened by any tegrant of any patent on the pending reference application," in the event that: any such patent: granted on the expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificaterminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to	patent granted on said reference erminal disclaimer filed prior to the pending reference application: urisdiction, is statutorily disclaimed te, is reissued, or is in any manner
Check either box 1 or 2 below, if appropriate.	
<ol> <li>For submissions on behalf of a business/organization (e.g., corporation, partnership, university, govetc.), the undersigned is empowered to act on behalf of the business/organization.</li> </ol>	vernment agency,
I hereby declare that all statements made herein of my own knowledge are true and that all statements are believed to be true; and further that these statements were made with the knowledge that willifunded are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United Statements may jeopardize the validity of the application or any patent issued thereon.  2.   The undersigned is an attorney or agent of record. Reg. No. 31,730	ul false statements and the like so
Signature	November 20, 2007 Date
Louis Woo	
Typed or printed name	
	(703) 299-4090
	Telephone Number
Terminal disclaimer fee under 37 CFR 1.20(d) is included.	
WARNING: Information on this form may become public. Credit card information be included on this form. Provide credit card information and authorization on	
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.	
This call arise of information is associated by 27 CED 4 224. The information is required to obtain or satein a bonefit by the p	ublic which is to file (and by the HSDTA)

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/26 (11-07) Approved for use through 11/30/2007. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

0102/0237

Docket Number (Optional)

der the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING

**REJECTION OVER A "PRIOR" PATENT** 

#### In re Application of: Yoshiaki TANAKA et al. Application No.: 10/767,077 Filed: January 30, 2004 For: RECORDING MEDIUM AND SIGNAL PROCESSING APPARATUS The owner\*, VICTOR COMPANY OF JAPAN, LTD. , of \_\_\_\_\_\_ percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,738,561 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the Instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued: or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,

2. [*]	The undersigned is an attorney or agent of record. Reg. No. 31,730	
	<b>→</b> · · ·	November 20, 2007
	Signature	Date
	Louis Woo	
	Typed or printed name	
		(703) 299-4090
	_	Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

etc.), the undersigned is empowered to act on behalf of the business/organization.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Petent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11/21/2007 MAHMED1 00000073 10767077

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

e Application of:

NOV 2 0 2007

Yoshiaki TANAKA et al.

al No. 10/767,077

Filed: January 30, 2004

For: RECORDING MEDIUM AND

SIGNAL PROCESSING

APPARATUS

Art Unit: 2621

Examiner: Debelie, Mitiku W.

Atty Docket: 0102/0237

#### SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Attached hereto are two Terminal Disclaimers in connection with the aboveidentified application.

Also attached is form PTO-2038 authorizing payment in the amount of \$260.00 fee for the Terminal Disclaimers. The Commissioner is hereby authorized to debit insufficient fees from Deposit Account No. 50-0501. A duplicate copy of this authorization is further attached hereto.

Respectfully submitted,

Louis Woo, Reg. No. 31,730 Law Offices of Louis Woo

717 North Fayette Street Alexandria, Virginia 22314

Phone: (703) 299-4090

Date: Nov 20, 2007

# NOV 2 0 2007

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoshiaki TANAKA et al.

Serial No. 10/767,077

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Respectfully submitted,

Louis Woo, Reg. No. 31,730

Law Offices of Louis Woo 717 North Fayette Street Alexandria, Virginia 22314

Phone: (703) 299-4090

Date: Nov 20, 3

# T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			12/11/07	APPL. S. N:	10767077			
To Examiner:			Debelie, Mitiku	Art Unit	2621			
From			Henry Jefferson PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	2D68			
SUBJEC	<b>T:</b> Decisio	n on Terminal	Disclaimer(T.D.) filed:					
form par or have a	agraphs i any quest	dentified by th ions, please se	is informal memo in your next ( se me or the Special Program E	esults as set forth below. If you ag Office action to notify applicant of kaminer. THIS IS AN INFORMAL, I RECORD IN THE APPLICATION FI	the T.D. If you disagree INTERNAL MEMO ONLY.			
please in	itial, date	and return th	is memo to me. THANK YOU.					
<u>र</u>	The T.D.	is PROPER an	d has been recorded (see 14.23	).				
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):							
The TD fee of has not been submitted nor is there any authouse of a deposit account					orization in the application file for the			
	Γ	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
	Г	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termi portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
	The person who signed the T.D.:							
			ot an attorney "of record" (see 14.29 and 14.29.01).					
			failed to state his/her capacity to sign for the business entity (see 14.28).					
		is no	ot recognized as an officer of the	e assignee (see 14.29 & possible	14.29.02).			
	Ľ:	nor is the ree (see 37 CFR 3	l and frame number specified as 3.73(b) and 1140 O.G. 72). NOT	itle from the original inventor(s) to assignee has been submitted, ed as to where such evidence is recorded in the Office NOTE: This documentary evidence or the specifying of the reel and or in a separate paper of record in the application (see 14.30).				
The T.D.		The T.D. is no	ot signed (see 14.26 & 14.26.03	).				
	Г	The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
	<u>[</u> ;	The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
		The period dis	sclaimed is incorrect or not spec	cified (see 14.26, 14.27.02 or 14.2	26.03).			
	Γ	Other:	entragging and definition of the second seco					
	Γ		request refund (see 14.36). No eck this item.	OTE: If already authorized, credit	refund to deposit account			
I have ap	propriate	ly notified app	licant(s) of the status of the Te	rminal Disclaimer filed in this case	<b>.</b> .			
Ex.Initial	s:	Date	e:		Log Date:			